THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24724 of 2006

Dated: 29-11-2006

Between:
Medam Narasimha Reddy.

..... PETITIONER

AND

The Mandal Revenue Officer, Nellore District.

.....RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.24724 of 2006

ORDER:

The petitioner allegedly purchased land admeasuring Acs.1.99 cents in survey No.93, Ac.0.98 cents in survey No.91-3 and Acs.3.19 cents in survey No.100/2-2 situated at Nekunampet Village of Kondapuram Mandal in Nellore District, from Shaik Chinna Madar Saheb, Dasari Rangaiah and Syed Mabu Shareef. However, the respondent, namely, the Mandal Revenue Officer (MRO) initiated action under the provisions of Section 4 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), alleging that the petitioner purchased assigned land in contravention of Section 3(2) of the Act and issued notice on 05-02-2005. The petitioner submitted explanation, on 15-02-2005, *inter alia*, stating that he purchased the land from the titleholders and that the land is not assigned land, however, MRO passed orders of resumption on 15-02-2005. The petitioner assailed the same before this Court by filing W.P.No.3537 of 2005, *inter alia*, on the ground that the explanation submitted by him was not considered. Therefore, this Court disposed of W.P.No.3537 of 2005 remitting the matter to MRO directing to consider the explanation submitted by the petitioner. MRO has now passed orders vide proceedings in Rc.B.293/2004, dated 14-08-2006, ordering resumption of the land. MRO rejected the contention of the petitioner that the land is not assigned land, as the petitioner did not file any documentary evidence. MRO also relied on the Diglot Register in which the land allegedly owned by the petitioner was shown as the Government land.

The learned counsel for the petitioner submits that mere reliance on the Diglot Register would not lead to the conclusion that the land is assigned land. He submits that the petitioner's vendors were having absolute title and the petitioner purchased the land for valid consideration. Alternatively, he submits that even if the land is Government land, in the absence of any proof of assignment at any point of time to any person, the provisions of the Act cannot be invoked. In such a case, according to the learned counsel, a serious dispute of title would arise and on the principle laid down by the Supreme Court in **Govt. of A.P. v. Thummala Krishna Rao**[1] the Government has to seek a title in civil Court. **Opposing** the writ petition, the learned Assistant Government Pleader for Revenue (General-A) submits that there is an effective alternative remedy by

way of an appeal under Section 4-A of the Act, and therefore, the writ petition cannot be entertained.

MRO has passed detailed order considering the explanation dated 08-10-2005 submitted by the petitioner. He has appreciated the documentary evidence produced by the petitioner and the relevant revenue records including the Diglot Register to come to the conclusion that the land in survey Nos.93, 91-3 and 100/2-2 is Government land and that the petitioner purchased the same from the assignees. The petitioner objects to this order on many grounds as noticed hereinabove. The statute, which is invoked for resumption of the land, provides for alternative remedy and if the issues raised by the petitioner are adjudicated ignoring the alternative remedy provided by the statute, it might result in hardship to the interest of the petitioner as well. Therefore, this Court is not inclined to go into this. The petitioner may approach the Revenue Divisional Officer and file an appeal within a period of one week from the date of receipt of a copy of this order. As and when such appeal is filed, the Revenue Divisional Officer may decide the question whether the land allegedly purchased by the petitioner and in possession of the petitioner is assigned land or not, as a preliminary issue, and also dispose of the appeal within a period of six weeks from the date of submission of the appeal.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

29th November, 2006
ghn

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[1] AIR 1982 (SC) 1081